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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/631,835

07/31/2003

Davide Galletti

163-505

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47888

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03/22/2006

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NEW YORK, NY 10036

EXAMINER

HUSON, MONICA ANNE

ART UNIT

PAPER NUMBER

1732

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Cell

Office Action Summary	Application No. 10/631,835	Applicant(s) GALLETTI, DAVIDE	
	Examiner Monica A. Huson	Art Unit 1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) 6-9 and 12-47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 10 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>032504</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of claims 1-5, 10 and 11 in the reply filed on 27 February 2006 is acknowledged. The traversal is on the ground(s) that the examiner has not demonstrated that the separately grouped claims are independent and distinct inventions. This is not found persuasive because the examiner noted the distinction in the paper mailed 4 October 2005:

“The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practiced by another materially different apparatus, such as one that does not require a mobile part fixed to a mobile side of the press.”

The requirement is still deemed proper and is therefore made FINAL.

Claims 6-9 and 12-47 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected molding apparatus, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 27 February 2006.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "other", relative to various operations complementary to a molding operation, is a vague limitation and does not clearly define the subject matter which applicant regards as the invention.

Regarding claim 4, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-5; and 10 are rejected under 35 U.S.C. 102(a) as being anticipated by Nishida (U.S. Patent 6,365,083). Regarding Claim 1, Nishida shows that it is known to carry out a molding method, carried out by a mold for a conventional injection press (Abstract), characterized in that it comprises the following steps: a step of housing a sliding element in at least a first of a recess (Figure 1, element 30); a first injection step in said first recess, after which

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a first part of said piece remains fixed on a surface integral to said sliding element (Figure 2B, elements 30, J, K); a displacement step of said first part of this piece in a second recess, through translating movement of said sliding element with respect to said fixed part of the mold (Figure 3B, elements 30, J, K); a second injection step in said second recess (Figure 4B, 5).

Regarding Claim 2, Nishida shows the process as claimed as discussed in the rejection of Claim 1 above, including a method characterized in that said integral surface is an outer surface of said sliding element (Figure 2B, element 30; It is noted that “outer” is a relative term that can be applied to almost any surface.).

Regarding Claim 3, Nishida shows the process as claimed as discussed in the rejection of Claim 1 above, including a method characterized in that said integral surface comprises an insert (Figure 2B, element 30; It is noted that relative to element 40, element 30 is inserted therein.).

Regarding Claim 4, Nishida shows the process as claimed as discussed in the rejection of Claim 1 above, including a method characterized in that it comprises steps for carrying out ejection of the molded article, i.e. operations complementary to the molding operation (Figure 5).

Regarding Claim 5, Nishida shows the process as claimed as discussed in the rejection of Claim 1 above, including a method characterized in that it comprises further injection steps in further recesses (Column 6, lines 44-46).

Regarding Claim 10, Nishida shows that it is known to carry out a molding method carried out by a mold (Abstract), characterized in that it comprises the following steps: a first injection step of an injectable material in said first recesses, to realize an article (Figures 2A-2B; It is noted that the configuration of the article has no apparent stepwise effect on the process.); a cooling step of the injected material (Column 5, line 49); a step of opening said mold (Figures

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3A-3B); a removal step of sprues with extractors and an opening step of inserts which formed said first recesses (Figure 3B; Column 5, line 57; It is noted that elements 30, 30' are being interpreted as extractors since their movement removes the sprue(s).); a reentry step of the extractors and a displacement step of said sliding elements, to define said second recess (Figure 3B); a second injection step of an injectable material in said recess, which takes place after having previously closed the mold (Figures 4A-4B); a cooling step of said material injected into said second recess (Column 6, line 13-15); a step of opening the mold (Column 6, line 14); a displacement of said sliding elements to return to an initial position (Column 6, lines 19-21); removal of sprues and of said finished pieces (Column 6, lines 14-16); an advancing step of said inserts and of sliding back of the extractors (Column 6, lines 19-21); a closing step of the mold, which coincides with a start of cycle step (Column 6, lines 19-23).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishida, in view of Applicant's Background Information. Nishida shows the process as claimed as discussed in the rejection of Claim 10 above, but he does not show using trolleys in conjunction with the sliding elements. Applicant discloses in his Background Information that the state of the art molds can include sliding elements that are mounted on sliding trolleys, where said trolleys slide

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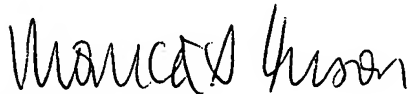
back slipping off said sliding elements from said articles (Page 3, lines 9-26). Therefore, it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use conventional trolleys in order to aid Nishida's sliding elements in order to make the molding process run as smoothly as possible.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica A. Huson whose telephone number is 571-272-1198. The examiner can normally be reached on Monday-Friday 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Colaianni can be reached on 571-272-1196. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Monica A Huson
March 17, 2006



MICHAEL P. COLAIANNI
SUPERVISORY PATENT EXAMINER